

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DeLAGE LANDEN FINANCIAL	:	
SERVICES, INC.,	:	CIVIL ACTION NO. 02-2810
Plaintiff	:	
	:	
and	:	
	:	
TOSHIBA AMERICA MEDICAL	:	
SYSTEMS, INC.,	:	
Plaintiff/Intervenor	:	
	:	
v.	:	
	:	
DeSOTO DIAGNOSTIC IMAGING, LLC,	:	
RANDON J. CARVEL, LYNN T.	:	
CARVEL, DELTA RADIOLOGY, P.C.	:	
and ZOBAR PROPERTIES, LLC,	:	
Defendants and Counter-	:	
Claimants	:	

**ORDER**

AND NOW, this 5<sup>th</sup> day of May, 2004, upon consideration of Plaintiff De Lage Landen Financial Services, Inc.'s Motion for Summary Judgment (Docket No. 109) and Intervenor Toshiba America Medical Systems, Inc.'s Opposition thereto (Docket No. 120), it is hereby **ORDERED** that Plaintiff's motion is **DENIED**, as genuine issues of fact exist regarding the recourse payment, and Plaintiff has prematurely sought indemnification.

BY THE COURT:

---

RONALD L. BUCKWALTER, S.J.